THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.26681 of 2005

Date:26.12.2005

P.Narsi Reddy

--------PETITIONER

A.P. Power Generation Corporation Ltd. And another

---------RESPONDENTS

ORDER:

The petitioners are employees of Andhra Pradesh Power Generation Corporation Limited, the first respondent herein, and are posted at Kothagudem Thermal Power Station, Paloncha. On 08.12.2005, the first respondent allotted different categories of quarters to the petitioners as 'special cases'. The petitioners state that they have occupied the quarters soon thereafter. On the next day itself, the first respondent issued orders cancelling the allotment 'due to administrative and technical reasons'. The petitioners are required to handover the quarters immediately. They feel aggrieved by the action of the respondents.

The learned counsel for the petitioners submits that the respondents have been allotting quarters as 'special cases' in deviation of the seniority of the employees and the petitioners alone were singled out in the matter of cancellation. He contends that no reasons whatever were stated by the first respondent in ordering cancellation of the allotment.

The learned standing counsel for the respondents, on the other hand, submits that as a policy, it has been laid down by the first respondent that the allotment of quarters shall be strictly on the basis of the seniority and that when it was noticed that the petitioners were allotted quarters in deviation of the seniority list, steps were taken to cancel the allotment.

A bare perusal of the impugned order discloses that the petitioners were allotted

quarters as ‘special cases’. It is not as if the petitioners represented to the respondents that they are the senior most or that the respondents proceeded on the assumption that the petitioners have acquired adequate seniority in the matter of allotment of the quarters. Be that as it may, if there was any irregularity in the matter of allotment of quarters to the petitioners, the first respondent was under obligation to put the petitioners on notice, duly indicating the reasons for the proposed cancellation. Its action in cancelling the allotment straight away, without giving any opportunity to the petitioners, cannot be sustained in law and it is clearly violative of principles of natural justice. On this ground alone, the impugned order deserves to be set aside.

Hence, the writ petition is allowed and the impugned order, dated 09.12.2005, is set aside. It is, however, made clear that it shall be open to the respondents to give show cause notices to the petitioners as to why the allotment shall not be cancelled, duly indicating the reasons, and to pass appropriate orders, after considering the explanations that may be submitted by the petitioners. No costs.

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26.12.2005

Note: Issue C.C. in three days.

(B/o)

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